

Appeal Decision

Site visit made on 24 May 2017

by R A Exton Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th June 2017

Appeal Ref: APP/J1535/W/17/3167114

Rear of 28 Mount Pleasant Road, Chigwell, Essex IG7 5ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Hart against the decision of Epping Forest District Council.
 - The application Ref EPF/1879/16, dated 8 July 2016, was refused by notice dated 6 September 2016.
 - The development proposed is demolition of existing garage and construction of new dwelling with private amenity and off street car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (i) the character and appearance of the area; (ii) the living conditions of the future occupants of the proposed dwelling in terms of the adequacy of the outdoor amenity space; and (iii) the living conditions of the occupiers of No 28 Mount Pleasant Road in respect of outlook.

Reasons

Character and appearance

3. Whilst situated in the rear garden of No 28 Mount Pleasant Road the proposal would be most related to and visible within the context of dwellings on the north west to south east orientated length of Mount Pleasant Road which it would face. Development here is characterised by two storey semi-detached dwellings set back from the road along well defined building lines. Within these parameters there is variation in the size and appearance of dwellings. There is also variation to the degree of set back from the road to the immediate south of the appeal site. Here, two pairs of semi-detached dwellings are set back further from the road and a number have single storey garages within their front gardens.
 4. By being single storey and sited very close to the back edge of the footpath, the proposed dwelling would present a very different appearance to the street scene compared with other development on Mount Pleasant Road. This would contrast harshly with the established character of two storey dwellings set back from the road. Even taking into account the variations in size, appearance and
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siting that do occur within this established character, I consider that the proposal would be so different as to have a harmful effect on the character and appearance of the surrounding area. Rather than adding variation to the street scene, it would form an uncharacteristic addition. This would not be mitigated by the reduced visibility from certain viewpoints or the use of appropriate materials. The wall and fence arrangement currently facing the road has a relatively neutral appearance compared to the much greater bulk of the proposed dwelling and I would not see its replacement with the proposal as an improvement in light of the harm I have identified.

5. Consequently, the proposal would be contrary to Policies DBE1, CP2(iv) and CP7 of the Epping Forest District Local Plan and Alterations (the local plan). These seek to ensure that new development respects the setting, character and appearance of its surroundings. I do not consider that these policies are attempting to impose architectural styles, tastes, certain development forms or tastes and so are consistent with the content of the National Planning Policy Framework (the Framework). In this case I do not consider that the design of the proposal mitigates the incompatibility and consequent harm to the character and appearance of the surrounding area.
6. On the matter of character and appearance I do not find that the proposal conflicts with Policy DBE3 of the local plan which deals with the treatment of public, private or semi-private spaces.
7. I do not consider that the dental surgery towards the southern end of Mount Pleasant is comparable to the appeal proposal. As a stand-alone building separated by roads from the surrounding dwellings it is viewed in a very different context to the appeal site.
8. The appellant has drawn a comparison with 1 Mount Pleasant Road. However, No1's smaller plot size relative to other dwellings is not as obvious when viewed from the road as the appeal development would be. Therefore it does not cause the harm I am concerned about in this appeal.

Living conditions of future occupiers

9. The Framework requires that new development should provide a good standard of amenity for future occupants of buildings. Whilst Policy DBE8 of the local plan pre dates the Framework its aims of securing a good standard of amenity are consistent with it and therefore its standards form a reasonable starting point for consideration. Whilst the policy itself does not prescribe set standards of outdoor amenity space, its supporting text indicates that the Council will normally expect a minimum of 20 square metres for each habitable room. In this case the Council states that there would be three habitable rooms leading to a requirement for 60sqm.
10. The appeal scheme falls significantly short of this coming in at approximately 37sqm. I acknowledge that in many respects the space would be suitable. It would not be directly overlooked and it would probably have adequate sunlight. Moreover, the size of outdoor spaces can be subject to marketing judgements by developers. Nevertheless the size of outdoor space for dwellings is an important part of ensuring good standards of amenity and in this case I consider that the proposed garden area would be of insufficient size on a practical level. Taking account of the likely space requirements for a 2

bedroom dwelling, including bin storage and other domestic paraphernalia, I consider the area would be insufficient.

11. The limited size of the garden area would also contrast with the much larger gardens that are characteristic of the surrounding area. I note the appellant's further comparison with No 1 Mount Pleasant Road in support of the proposal on this issue. However, No 1 is set back further from the road than the appeal site. Consequently it has space within its frontage that provides some practical benefit in addition to the more private area to the rear. As such it is not comparable with the circumstances of this case and so I afford it only limited weight.
12. In view of the above, I conclude that the proposal would be contrary to the private amenity space aims of policy DBE8 of the local plan.

Living Conditions of No 28

13. The main effect of the proposed dwelling on the living conditions of occupiers of No 28 Mount Pleasant Road would arise from the visibility of its roof from rear facing habitable rooms and the rear garden. The proposed dwelling would be separated from the shared boundary with No 28 by its driveway and garden area. The bulk of the proposed dwelling would be closest to its boundary with No 26A Mount Pleasant Road. Although the separation distance may be less than that suggested in the Essex Design Guide, the combination of these factors leads me to conclude that there would not be an excessive loss of amenity through visually overbearing impact to the occupiers of No 28. Consequently, in this respect the proposal would not be contrary to Policy DBE9 of the local plan. This seeks to prevent new development that results in excessive loss of amenity to neighbouring residents and is consistent with the aims of the Framework.

Other Matters

14. The appellant questions the council's ability to maintain a 5 year housing land supply based on a 2015 statement of Objectively Assessed Housing Need and subsequent projected completion figures. The Council has not submitted any evidence of the existence of a 5 year housing land supply and consequently I cannot conclude on this matter. If the council cannot demonstrate a 5 year housing land supply then the provisions of paragraph 14 of the Framework requiring planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole apply. The proposal would deliver the social benefits of a single dwelling that could be suitable for elderly or disabled occupants in what is a generally sustainable location. It would also have economic benefits, albeit very limited, by boosting the supply of housing. In this case however, I consider that the harm to character and appearance and inadequacy of private amenity space I have identified significantly and demonstrably outweighs these limited benefits.
15. The planning permissions for houses at Jennykings Garden Centre were apparently granted in the Green Belt. I do not know the full circumstances of these permissions and so cannot draw any meaningful comparisons with the appeal scheme. However, the sites seem to be materially different and thus have little relevance to each other.

Conclusion

16. Whilst I find no harm to the living conditions of occupiers of No 28 Mount Pleasant Road, the harm to the character and appearance of the surrounding area, the lack of private amenity space for the proposed dwelling and the consequent conflict with the development plan provide sufficient reasons to justify a refusal of planning permission. The proposal would therefore fail to represent sustainable development when considered against the policies in the Framework taken as a whole. In light of this and taking all other matters raised into account I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR